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United States Patent Office
Name of Invention: Blind Choice
A Marble and Dice Game
Inventor: Jack Martin
6132 Choctaw Dr.,
Westminster, CA 92683
United States Citizen
Application Number: 09/931,628
Art Unit # 3713
Filed: August 14, 2001
Primary Examiner: Unknown

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FEB 06 2006

1-23-06

TECHNOLOGY CENTER R3700

Dear Patent Office,

I have received your letter of 12-23-05 concerning the "Notice of Abandonment" for my Patent Application for "Blind Choice". In your letter you state that I have the choice to revive my Patent Application. Before I submit the appropriate paperwork to do this I have some questions and concerns.

- (1) Should I choose to revive my patent application on the grounds of "UNINTENTIONAL DELAY" I would like to know the following:
 - (A) What forms would I need to resubmit?
 - (B) What Documentation/Letters do you require?
 - (C) Most importantly, what are the amount of fees I must pay?
- (2) The former primary examiner of my patent application, Alex P. Rada, had sent me numerous letters concerning my patent application which were vague and quite unhelpful. This became so bad that on 11-25-02 and 1-7-03 I called the Patent Office for more clarification and help.

I spoke with a woman named Erica. I told her the troubles I was having with the primary examiner, Alex P. Rada, and that even though I kept sending everything he asked for; including more and more requests for fees he kept insisting my application just wasn't right.

Erica said she would review my Patent Application and that I should call her in six weeks. During our second phone conversation Erica informed me that my Patent Application was fine and that I did not need to submit anymore forms or fees. She instructed me to do nothing and wait for the Patent Office to send me their decision concerning my Patent Application.

This is part of the reason that I did not send anything to the Patent Office up to this time. I was doing as your Office instructed. I was waiting for your decision.

The other part of the reason I have not communicated with your Office is that I am 67 and have been ill off and on for some time now. Since your office told me to wait and not do anything more concerning my patent application I have

been using my time to take care of my health. This has taken up the majority of my time.

I assumed that if the Patent Office needed anything from me you would have written me. Since you did not I had thought everything was OK as I was told.

- (3) Since Alex P. Rada caused me such confusion I would like to ask you if I can apply for a foreign patent stasis at the same time I submit my domestic patent application?

What Forms, Documents and fees would this require?

- (4) My main question is the same as before, if continuing my patent application is not feasible can I start over from the beginning?

If I must start from the beginning can you provide the following information?

- (A) Which forms, exactly, will I need?
- (B) What documentation is required?
- (C) What fees must I pay?

- (5) Concerning the fees for the patent applications I would like to know how much money, you think, I will need to pay for my patent application from beginning to end? Please give me your best estimate. Thank you.

- (6) In closing I would like to say that I am very excited about my invention "Blind Choice". However, because of my age and health reasons I don't have the time to be forever filing forms and submitting fees. If you feel my patent application for the marble board game "Blind Choice" has a chance of being issued a patent please let me know. If it doesn't have much of a chance I would appreciate your telling me the truth.

I would like to thank you in advance for all your time and effort in answering this letter. I truly do appreciate all your efforts.

Yours Sincerely,



Jack Martin



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/308,216	12/03/2002	Jack Martin	

CONFIRMATION NO. 2351
ABANDONMENT/TERMINATION
LETTER

JACK MARTIN
6132 CHOCTAW DR.
WESTMINSTER, CA 92683

Date Mailed: 12/27/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/31/2003.

- o No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

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Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

*A copy of this notice **MUST** be returned with the reply.*

Y.L.
Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE